

HOUSE BILL 376

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M4

2001 Regular Session  
(11r1063)

**ENROLLED BILL**

-- Appropriations/Economic and Environmental Affairs --

Introduced by **Delegate Edwards**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - ~~Gas and Mineral~~**  
3 **Natural Gas Rights**

4 FOR the purpose of prohibiting regulations and procedures adopted by the Maryland  
5 Agricultural Land Preservation Foundation for the establishment and  
6 monitoring of agricultural districts from requiring, in Garrett County or  
7 Allegany County, a natural gas ~~company or other mineral~~ rights owner or lessee  
8 to subordinate its interest to the Foundation's interest under certain  
9 circumstances; requiring that a certain report be submitted by a certain date;  
10 and generally relating to the Maryland Agricultural Land Preservation  
11 Foundation.

12 BY adding to  
13 Article - Agriculture  
14 Section 2-509(c)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Agriculture  
3 Section 2-509(c) and (d)  
4 Annotated Code of Maryland  
5 (1999 Replacement Volume and 2000 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Agriculture**

9 2-509.

10 (C) REGULATIONS AND PROCEDURES ADOPTED BY THE FOUNDATION FOR  
11 THE ESTABLISHMENT AND MONITORING OF AGRICULTURAL DISTRICTS MAY NOT  
12 REQUIRE, IN GARRETT COUNTY OR ALLEGANY COUNTY, A NATURAL GAS COMPANY  
13 ~~OR OTHER MINERAL~~ RIGHTS OWNER OR LESSEE TO SUBORDINATE ITS INTEREST TO  
14 THE FOUNDATION'S INTEREST *IF THE FOUNDATION DETERMINES THAT EXERCISE*  
15 *OF THE NATURAL GAS RIGHTS WILL NOT INTERFERE WITH AN AGRICULTURAL*  
16 *OPERATION CONDUCTED ON LAND IN THE AGRICULTURAL DISTRICT.*

17 [(c)] (D) Regulations and criteria developed by the Foundation relating to  
18 land which may be included in an agricultural district shall provide that:

19 (1) Land shall meet productivity, acreage, and locational criteria  
20 determined by the Foundation to be necessary for the continuation of farming;

21 (2) The Foundation shall attempt to preserve the minimum number of  
22 acres in a given district which may reasonably be expected to promote the continued  
23 availability of agricultural suppliers and markets for agricultural goods;

24 (3) Land within the boundaries of a 10-year water and sewer service  
25 district may be included in an agricultural district only if that land is outstanding in  
26 productivity and is of significant size; and

27 (4) Land may be included in an agricultural district only if the county  
28 regulations governing the land permit the activities listed under § 2-513(a) of this  
29 subtitle.

30 [(d)] (E) The Foundation may not purchase an easement on land which is  
31 located outside an agricultural district established under this subtitle.

32 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
33 2004, the Agricultural Land Preservation Foundation shall submit a report to the  
34 Governor and, subject to § 2-1246 of the State Government Article, to the General  
35 Assembly that evaluates the impact of this Act on the quality of agricultural land  
36 preserved and the Foundation's agricultural land preservation activities under the  
37 Agricultural Land Preservation Foundation program.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2001.